

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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)	
UNITED STATES OF AMERICA)	
)	
v.)	CR. No. 05-cr-10115-JLT
)	
JOSE ORTIZ-PEREZ)	
_____)	

MOTION TO SUPPRESS WIRE INTERCEPTIONS

Defendant, Jose Ortiz-Perez, moves, pursuant to 18 U.S.C. §§ 2510 et seq. and the Fourth Amendment to the United States Constitution, to suppress the contents of all wire and oral communications intercepted by law enforcement officials, and all evidence derived therefrom, occurring as a result of the wiretap Order issued on February 4, 2005, in M.B.D. No. 05-MC-10051, to allow interception of conversations to and from cellphone number 508-863-3411, as a result of the extension of authorization to intercept communications to and from that cellphone number, issued on March 4, 2005, and as a result of a wiretap order authorizing interception of conversations to and from cellphone number 774-253-6830, issued on March 21, 2005, the latter two orders being the fruits of interceptions made in the course of the initial wiretap. The defendant further moves to suppress evidence seized as a result of the stop and search of an automobile in which the defendant was a passenger, on March 21, 2005, on Interstate 93 near Attleboro, Massachusetts, which was predicated on conversations intercepted pursuant to the March 4, 2005 order extending authorization to monitor conversations of cellphone number 508-863-3411.

The grounds for this motion are set forth in the attached Memorandum of Law, the files and records in the case, and any and all other matters that may come to the Court's attention before or during the hearing of this motion.

REQUEST FOR HEARING

The defendant requests a hearing on this motion, pursuant to Local Rule 7.1(D).

Respectfully submitted,

/s/ David Duncan
David Duncan (#546121)
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March 13, 2006

Certificate of Service

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on the above date.

/s/ David Duncan